

R E M A R K S

Claims 1 - 80 are pending in the present application.

Claims 1, 36-37, 41-44, 49, 51-74 are independent.

RCE

A Request for Continued Examination has been filed herewith.

Section 102 and 103 Rejections

Claims 1, 3 - 4, 8 - 21, 28 - 30, 32 - 36 and 51 - 56 stand rejected as anticipated by Scroggie.

The remaining claims are rejected as being unpatentable over Scroggie, Burdon, Kanter in light of various other references and officially noted subject matter.

Applicants respectfully traverse the Examiner's Section 102 and 103 rejections.

To expedite prosecution of the present application, each independent claim has been amended to recite that *during the same transaction*, at least two steps occur:

- (1) receiving, e.g., information relating to customer activity with a first vendor, an indication of at least one item that a customer has purchased for a total price from a first vendor;
- (2) another step, e.g., charging the customer, crediting an amount of funds, receiving a credit card identifier.

Using amended claim 1 solely as an illustration, the information relating to customer activity is received *during the same transaction as* charging the customer a price less than the total price.

Neither Scroggie or Burdon, nor any of the other references cited by the Examiner, alone or in combination, disclose or suggest that at least the indicated steps occur during the same transaction. For example, in Scroggie, the incentive offer is formulated during a different transaction than the redemption of the offer.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

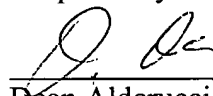
Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$920.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

November 21, 2001
Date

Respectfully submitted,



Dean Alderucci
Attorney for Applicants
Registration No. 40,484
Alderucci@WalkerDigital.com
Walker Digital Corporation
Five High Ridge Park
Stamford, CT 06905-1326
203-461-7337 / voice
203-461-7300 / fax

CLAIM AMENDMENTS
MARKED UP FORM

Please AMEND the claims as follows

1. (TWICE AMENDED) A method, comprising:
receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
receiving an indication of at least one item the customer desires to purchase from the first vendor, the at least one item having an associated total price;
providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price; and
charging, during the transaction, the customer a second price for the at least one item if the offer is accepted, the second price being less than the total price.

36. (TWICE AMENDED) A method, comprising:
receiving, during a transaction, information relating to customer activity with a first vendor;
receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
determining whether to provide an offer for a subsidy based on the information relating to customer activity;
determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
providing an indication of the offer for the subsidy from the second vendor;
receiving a response to the offer; and
charging, during the transaction, the customer a second price for the at least one item if the response indicates that the offer is accepted, the second price being less than the total price.

37. (TWICE AMENDED) A method, comprising:
- receiving, during a transaction, an indication of at least one item that a customer has purchased for a total price from a first vendor;
 - receiving contact information of the customer;
 - determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
 - providing an indication of the offer using the contact information;
 - receiving a response to the offer;
 - receiving a credit card account identifier that identifies a credit card account; and
 - crediting, during the transaction, an amount of funds to the credit card account if the response indicates that the offer is accepted.
41. (AMENDED) A method, comprising the steps of:
- receiving, during a transaction, information relating to customer activity on a Web site of a first vendor;
 - determining whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determining an offer for a subsidy from a second vendor;
 - displaying, via a Web page on the Web site, an indication of the offer for the subsidy from the second vendor;
 - receiving customer input via the Web site, the customer input representing a response to the offer;
 - receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - receiving, during the transaction, a credit card identifier that identifies a credit card account; and
 - charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

42. (AMENDED) A method, comprising the steps of:
- receiving, during a transaction, information relating to customer activity at a POS terminal of a first vendor;
 - determining whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determining an offer for a subsidy from a second vendor;
 - outputting at the POS terminal an indication of the offer for the subsidy from the second vendor;
 - receiving customer input via the POS terminal, the customer input representing a response to the offer;
 - receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - receiving, during the transaction, a credit card identifier that identifies a credit card account; and
 - charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

43. (AMENDED) A method, comprising the steps of:
- receiving, during a transaction, information relating to customer activity with an IVRU of a first vendor;
 - determining whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determining an offer for a subsidy from a second vendor;
 - transmitting via the IVRU an indication of the offer for the subsidy from the second vendor;
 - receiving via the IVRU a customer input that represents a response to the offer;
 - receiving via the IVRU a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - receiving, during the transaction, via the IVRU a credit card identifier that identifies a credit card account; and
 - charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

44. (TWICE AMENDED) A method, comprising:

- receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
- receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
- determining whether to provide an offer for a subsidy based on the information relating to customer activity;
- determining an offer for a subsidy from a second vendor, the offer defining an obligation for the customer to fulfill in exchange for the subsidy and the offer being for a reduction in price relative to the total price;
- providing an indication of the offer for the subsidy from the second vendor;
- receiving, during the transaction, a credit card account identifier that identifies a credit card account;
- charging a second price to the credit card account, the second price being less than the total price;
- determining whether the customer has fulfilled the obligation; and
- charging a discount amount to the credit card account if the customer has not fulfilled the obligation, the discount amount being based on a difference between the total price and the second price.

49. (TWICE AMENDED) A method, comprising:

- receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
- receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
- providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
- receiving a response to the offer; and
- providing, during the transaction, the at least one item to the customer for free if the response indicates acceptance of the offer.

51. (TWICE AMENDED) An apparatus, comprising:
means for receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
means for receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
means for providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price; and
means for charging, during the transaction, the customer a second price for the at least one item if the offer is accepted, the second price being less than the total price.

52. (TWICE AMENDED) An apparatus, comprising:
a data storage device; and
a processor connected to the data storage device,
the data storage device storing a program for controlling the processor; and
the processor operative with the program to:
receive, during a transaction, information relating to customer activity of a customer with a first vendor;
receive an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
provide, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price; and
charge, during the transaction, the customer a second price for the at least one item if the offer is accepted, the second price being less than the total price.

53. (TWICE AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising:

- receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
- receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
- providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price; and
- charging, during the transaction, the customer a second price for the at least one item if the offer is accepted, the second price being less than the total price.

54. (TWICE AMENDED) An apparatus, comprising:

- means for receiving, during a transaction, information relating to customer activity with a first vendor;
- means for receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
- means for determining whether to provide an offer for a subsidy based on the information relating to customer activity;
- means for determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
- means for providing an indication of the offer for the subsidy from the second vendor;
- means for receiving a response to the offer; and
- means for charging, during the transaction, the customer a second price for the at least one item if the response indicates that the offer is accepted, the second price being less than the total price.

55. (TWICE AMENDED) An apparatus, comprising:
a data storage device; and
a processor connected to the data storage device,
the data storage device storing a program for controlling the processor; and
the processor operative with the program to:
receive, during a transaction, information relating to customer activity with a first vendor;
receive an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
determine whether to provide an offer for a subsidy based on the information relating to customer activity;
determine an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
provide an indication of the offer for the subsidy from the second vendor;
receive a response to the offer; and
charge, during the transaction, the customer a second price for the at least one item if the response indicates that the offer is accepted, the second price being less than the total price.

56. (TWICE AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising:
receiving, during a transaction, information relating to customer activity with a first vendor;
receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
determining whether to provide an offer for a subsidy based on the information relating to customer activity;
determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
providing an indication of the offer for the subsidy from the second vendor;
receiving a response to the offer; and

charging, during the transaction, the customer a second price for the at least one item if the response indicates that the offer is accepted, the second price being less than the total price.

57. (TWICE AMENDED) An apparatus, comprising:
means for receiving, during a transaction, an indication of at least one item that a customer has purchased for a total price from a first vendor;
means for receiving contact information of the customer;
means for determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
means for providing an indication of the offer using the contact information;
means for receiving a response to the offer;
means for receiving, during the transaction, a credit card account identifier that identifies a credit card account; and
means for crediting an amount of funds to the credit card account if the response indicates that the offer is accepted.

58. (TWICE AMENDED) An apparatus, comprising:
a data storage device; and
a processor connected to the data storage device,
the data storage device storing a program for controlling the processor; and
the processor operative with the program to:
receive, during a transaction, an indication of at least one item that a customer has purchased for a total price from a first vendor;
receive contact information of the customer;
determine an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
provide an indication of the offer using the contact information;
receive a response to the offer;
receive, during the transaction, a credit card account identifier that identifies a credit card account; and

credit an amount of funds to the credit card account if the response indicates that the offer is accepted.

59. (TWICE AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising the steps of:

receiving, during a transaction, an indication of at least one item that a customer has purchased for a total price from a first vendor;

receiving contact information of the customer;

determining an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;

providing an indication of the offer using the contact information;

receiving a response to the offer;

receiving, during the transaction, a credit card account identifier that identifies a credit card account; and

crediting an amount of funds to the credit card account if the response indicates that the offer is accepted

60. (AMENDED) An apparatus, comprising:

means for receiving, during a transaction, information relating to customer activity on a Web site of a first vendor;

means for determining whether to provide an offer for a subsidy based on the information relating to customer activity;

means for determining an offer for a subsidy from a second vendor;

means for displaying, via a Web page on the Web site, an indication of the offer for the subsidy from the second vendor;

means for receiving customer input via the Web site, the customer input representing a response to the offer;

means for receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

means for receiving, during the transaction, a credit card identifier that identifies a credit card account; and

means for charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

61. (AMENDED) An apparatus, comprising:
- a data storage device; and
 - a processor connected to the data storage device, the data storage device storing a program for controlling the processor; and the processor operative with the program to:
 - receive, during a transaction, information relating to customer activity on a Web site of a first vendor;
 - determine whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determine an offer for a subsidy from a second vendor;
 - display, via a Web page on the Web site, an indication of the offer for the subsidy from the second vendor;
 - receive customer input via the Web site, the customer input representing a response to the offer;
 - receive a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - receive, during the transaction, a credit card identifier that identifies a credit card account; and
 - charge a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

62. (AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising the steps of:

receiving, during a transaction, information relating to customer activity on a Web site of a first vendor;

determining whether to provide an offer for a subsidy based on the information relating to customer activity;

determining an offer for a subsidy from a second vendor;

displaying, via a Web page on the Web site, an indication of the offer for the subsidy from the second vendor;

receiving customer input via the Web site, the customer input representing a response to the offer;

receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

receiving, during the transaction, a credit card identifier that identifies a credit card account; and

charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

63. (AMENDED) An apparatus, comprising:

means for receiving, during a transaction, information relating to customer activity at a POS terminal of a first vendor;

means for determining whether to provide an offer for a subsidy based on the information relating to customer activity;

means for determining an offer for a subsidy from a second vendor;

means for outputting at the POS terminal an indication of the offer for the subsidy from the second vendor;

means for receiving customer input via the POS terminal, the customer input representing a response to the offer;

means for receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

means for receiving, during the transaction, a credit card identifier that identifies a credit card account; and

means for charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

64. (AMENDED) An apparatus, comprising:
- a data storage device; and
 - a processor connected to the data storage device,
 - the data storage device storing a program for controlling the processor; and
 - the processor operative with the program to:
 - receive, during a transaction, information relating to customer activity at a POS terminal of a first vendor;
 - determine whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determine an offer for a subsidy from a second vendor;
 - output at the POS terminal an indication of the offer for the subsidy from the second vendor;
 - receive customer input via the POS terminal, the customer input representing a response to the offer;
 - receive a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - receive, during the transaction, a credit card identifier that identifies a credit card account; and
 - charge a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

65. (AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising the steps of:

receiving, during a transaction, information relating to customer activity at a POS terminal of a first vendor;

determining whether to provide an offer for a subsidy based on the information relating to customer activity;

determining an offer for a subsidy from a second vendor;

outputting at the POS terminal an indication of the offer for the subsidy from the second vendor;

receiving customer input via the POS terminal, the customer input representing a response to the offer;

receiving a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

receiving, during the transaction, a credit card identifier that identifies a credit card account; and

charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

66. (AMENDED) An apparatus, comprising:

means for receiving, during a transaction, information relating to customer activity with an IVRU of a first vendor;

means for determining whether to provide an offer for a subsidy based on the information relating to customer activity;

determining an offer for a subsidy from a second vendor;

means for transmitting via the IVRU an indication of the offer for the subsidy from the second vendor;

means for receiving via the IVRU a customer input that represents a response to the offer;

means for receiving via the IVRU a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

means for receiving, during the transaction, via the IVRU a credit card identifier that identifies a credit card account; and

means for charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

67. (AMENDED) An apparatus, comprising:

a data storage device; and

a processor connected to the data storage device,

the data storage device storing a program for controlling the processor; and

the processor operative with the program to:

receive, during a transaction, information relating to customer activity with an IVRU of a first vendor;

determine whether to provide an offer for a subsidy based on the information relating to customer activity;

determine an offer for a subsidy from a second vendor;

transmit via the IVRU an indication of the offer for the subsidy from the second vendor;

receive via the IVRU a customer input that represents a response to the offer;

receive via the IVRU a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;

receive, during the transaction, via the IVRU a credit card identifier that identifies a credit card account; and

charge a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

68. (AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising the steps of:

- receiving, during a transaction, information relating to customer activity with an IVRU of a first vendor;
- determining whether to provide an offer for a subsidy based on the information relating to customer activity;
- determining an offer for a subsidy from a second vendor;
- transmitting via the IVRU an indication of the offer for the subsidy from the second vendor;
- receiving via the IVRU a customer input that represents a response to the offer;
- receiving via the IVRU a selection of at least one item the customer desires to purchase, the at least one item having an associated total price;
- receiving, during the transaction, via the IVRU a credit card identifier that identifies a credit card account; and
- charging a second price to the credit card account if the response indicates that the offer is accepted, the second price being less than the total price.

69. (TWICE AMENDED) An apparatus, comprising:

means for receiving, during a transaction, information relating to customer activity of a customer with a first vendor;

means for receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;

means for determining whether to provide an offer for a subsidy based on the information relating to customer activity;

means for determining an offer for a subsidy from a second vendor, the offer defining an obligation for the customer to fulfill in exchange for the subsidy and the offer being for a reduction in price relative to the total price;

means for providing an indication of the offer for the subsidy from the second vendor;

means for receiving, during the transaction, a credit card account identifier that identifies a credit card account;

means for charging a second price to the credit card account, the second price being less than the total price;

means for determining whether the customer has fulfilled the obligation; and

means for charging a discount amount to the credit card account if the customer has not fulfilled the obligation, the discount amount being based on a difference between the total price and the second price.

70. (TWICE AMENDED) An apparatus, comprising:
- a data storage device; and
 - a processor connected to the data storage device,
 - the data storage device storing a program for controlling the processor; and
 - the processor operative with the program to:
 - receive, during a transaction, information relating to customer activity of a customer with a first vendor;
 - receive an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - determine whether to provide an offer for a subsidy based on the information relating to customer activity;
 - determine an offer for a subsidy from a second vendor, the offer defining an obligation for the customer to fulfill in exchange for the subsidy;
 - provide an indication of the offer for the subsidy from the second vendor;
 - receive, during the transaction, a credit card account identifier that identifies a credit card account;
 - charge a second price to the credit card account, the second price being less than the total price;
 - determine whether the customer has fulfilled the obligation; and
 - charge a discount amount to the credit card account if the customer has not fulfilled the obligation, the discount amount being based on a difference between the total price and the second price.

71. (TWICE AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising:

- receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
- receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
- determining whether to provide an offer for a subsidy based on the information relating to customer activity;
- determining an offer for a subsidy from a second vendor, the offer defining an obligation for the customer to fulfill in exchange for the subsidy and the offer being for a reduction in price relative to the total price;
- providing an indication of the offer for the subsidy from the second vendor;
- receiving, during the transaction, a credit card account identifier that identifies a credit card account;
- charging a second price to the credit card account, the second price being less than the total price;
- determining whether the customer has fulfilled the obligation; and
- charging a discount amount to the credit card account if the customer has not fulfilled the obligation, the discount amount being based on a difference between the total price and the second price.

72. (TWICE AMENDED) An apparatus, comprising:
- means for receiving, during a transaction, information relating to customer activity of a customer with a first vendor;
 - means for receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - means for providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
 - means for receiving a response to the offer; and
 - means for providing, during the transaction, the at least one item to the customer for free if the response indicates acceptance of the offer.



73. (TWICE AMENDED) An apparatus, comprising:
- a data storage device; and
 - a processor connected to the data storage device,
 - the data storage device storing a program for controlling the processor; and
 - the processor operative with the program to:
 - receive, during a transaction, information relating to customer activity of a customer with a first vendor;
 - receive an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;
 - provide, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;
 - receive a response to the offer; and
 - provide, during the transaction, the at least one item to the customer for free if the response indicates acceptance of the offer.

74. (TWICE AMENDED) A computer readable medium encoded with processing instructions for implementing a method performed by a computer, the method comprising the steps of:

receiving, during a transaction, information relating to customer activity of a customer with a first vendor;

receiving an indication of at least one item the customer desires to purchase, the at least one item having an associated total price;

providing, in response to the received information, an indication of an offer for a subsidy from a second vendor, wherein the offer for the subsidy is an offer for a reduction in price relative to the total price;

receiving a response to the offer; and

providing, during the transaction, the at least one item to the customer for free if the response indicates acceptance of the offer.